NORFOLK, VIRGINIA

MEETING OF COUNCIL

TUESDAY, JULY 13, 2021

Mayor Kenneth Cooper Alexander, called the meeting to order at 4:00 p.m. with the following members present: Mrs. Courtney R. Doyle, Mrs. Mamie B. Johnson, Mrs. Andria P. McClellan, Ms. Mr. Paul Riddick, Danica Royster, Mr. Tommy Smigiel, and Vice Mayor Martin Thomas Jr.

At this time, Mayor Alexander turned the meeting over to Dr. Filer.

Announcements:

- As noted at the last City Council meeting, Mr. James Rogers, Deputy City Manager, is retiring. Mayor Alexander commented on Mr. Rogers' dedication to the city and thanked him for his service. Mr. Rogers thanked Council and staff and added it had been a pleasure and honor to serve the citizens of Norfolk.
- Dr. Filer announced that the proposal by Council last year to bolster our pension fund with a bond purchase was successful. We sold \$211 million in taxable obligation bonds taking the pension funding ratio from 77% to approximately 89%. The envisioned scenarios showed savings could be approximately a 3% interest rate in the market, but we were able to get an interest rate of 1.94%. This will save us approximately \$120 million over the lifetime of this issuance and ensures that Norfolk Employees' Retirement System (NERS) will be solvent throughout its duration. All new employees will join the Virginia Retirement System (VRS).
- Dr. Filer stated that Mr. Patrick Roberts will join his staff beginning July 26th and will oversee the Operations portfolio.

City Planning Updates

Presenter: Ms. Paula Shea, Assistant Director of Planning

Ms. Shea stated that the West Ocean View General Plan Amendment will be a public hearing item on next week's docket this amendment to plaNorfolk adopts some actions in the West Ocean View Plan Summary in Chapter 2 of the Comprehensive Plan.

Planning Item Preview

West Ocean View (WOV)

General Plan Amendment

- Revise actions in the West Ocean View Area portion of plaNorfolk2030 to add vibrancy and activity to the West Ocean View area:
 - Strengthen pedestrian connections across WOV Avenue between public and private realms

- Encourage public activity and community events that increase local business patronage
- Improve parking options; use of shared parking agreements
- Encourage outdoor dining and other activities

Background

- Revisiting of the General Plan actions for West Ocean View was prompted by City purchase of former Greenies in 2018
- Kicked off conversation with community to discuss future of the site series of well attended meetings
- Arrived at a vision for the site, as well as for the larger area

Vision for Redevelopment

- Begin with making the site "Visitable" return to safe and attractive public use
 - Return site to public use and improve beach access
 - Extend dune line and walkway westward from Park
 - Provide ADA-compliant access to beach
- Provide flexibility for future public use as determined by the community
- Amendments to plaNorfolk2030 to help achieve vision

Planning Commission Recommendation

- By a vote of **6-1** the City Planning Commission recommends approval
- The negative vote resulted from the strategy contained in the proposed amendment to add parking on the Bayfront side of West Ocean View Avenue

Ms. Shea stated that the Broad Creek Refresh General Plan Amendment will also be on next week's docket. This was staff's first all-virtual public planning process. It began with a community conversation done virtually followed by stakeholder interviews, focus groups, and on-line surveys. She added that staff learned new tools for community engagement and as we move toward in-person events, they want to retain and expand these tools.

Planning Item Preview

Broad Creek Refresh

General Plan Amendment

• Repeal the Broad Creek Revitalization and Implementation Plan Book and adopt the Broad Creek Refresh Plan: Building a Community of Choice.

Study Area and Guiding Principles

The study area boundaries: Corprew Avenue on the south; railroad tracks on the west, north and east. Staff identified the issues the community wanted to see addressed through a plan for this area.

- Incompatible Land uses
- Jumpstarting Residential Communities
 - Emphasis on building form, including fences
- Location of Commercial Nodes

- Mobility, Streets, Speeding, and Traffic Safety
- Establish/Improve Neighborhood Identity

Summary of Recommendations

- Six Opportunity Sites were identified within the Study Area that present a variety of opportunities:
 - Create a variety of housing options, including infill single family, Missing Middle, and extension of Broad Creek Renaissance.
 - Introduce mixed use and community spaces
 - Strengthen commercial nodes

Additional Recommendations

- Create zoning overlay: Broad Creek Refresh Overlay (BCRO) district
 - Regulate/prohibit land uses
 - Enhanced residential form standards (porches, garages, fences, etc.)
- Pattern Books Bruce's Park and greater Broad Creek
- Broadband/Technology Corridor/Zone (Park Ave.)
- Broad Creek Manufacturing and Innovation Center (Ballentine Blvd. to Ingleside Rd.)
- Gateway treatments, banners, signs, public art, etc.
- Create business association
- Extend ERT up Park Ave. into Broad Creek

Planning Commission Recommendation

- By a vote of **7-0** the City Planning Commission recommends approval
- Additional parts of the Broad Creek Refresh will be at the Planning Commission and then coming to City Council over the next several months:
 - Broad Creek Pattern Book
 - Bruce's Park Plan Book
 - Broad Creek Refresh Overlay zoning district

Councilman Riddick asked for an update on Spartan Village and include:

- How many properties does the city currently own and what are plans to acquire the rest of them?
- Is there a plan to have a retention pond there?
- Is there a plan to create an entranceway for Norfolk State University?
- Should we have another nor'easter, what is the plan to prevent flooding?

Norfolk Police Department Dashboard

Presenters: Chief Larry D. Boone, Norfolk Police Department

Mr. Peter Buryk, Director, CivicLabNorfolk

Dr. Filer stated that last year Council instructed the City Manager to work with the Police Chief and internal staff internally on establishing a set of reforms including an increase in transparency of policing data and the frequency with which we report data on police use of force. We were unsuccessful with an RFP to find a group to help us

with the creation of a dashboard. The solutions we received were mostly for software packages, so we decided to do a dashboard in-house with our own CivicLab.

Mr. Buryk gave an overview of the Police Data Hub dashboard. He stated the dashboard is now available to the public on the city's website, and the open data portal. Moving forward, they plan to add new features. All data provided is available for download both in the tool and on the open data platform at: data.norfolk.gov.

Data Hub Overview

- Publicly-available, transparent, easy-to-use data hub (Version 1.0)
- Five years (rolling) of use of force and complaint data
- Incident-based, individual privacy protected
- Dynamic dashboards to visualize/explore
- Underlying data available for download
- Updated each weekday

By the Numbers

- Current Norfolk population: 242,742
- Current Norfolk Police Department sworn officers: 601
- Norfolk Police calls for service received 1,246,335
- Calls with use of force reported: 0.17% (2,071)
- Use of force incidents: 2,638
- Empty/soft control technique used: 62% (1,647)
- Use of force incidents resulted in arrest: 82% (1,693)
- Citizen fatalities: 4

Chief Boone commented that the 2,638 use of force incidents are self-reported by the police department, which is department policy.

Councilwoman Royster asked Chief Boone to define use of force.

Chief Boone stated that use of force ranges from presenting a taser and not using it; physically putting hands on as a soft hand tactic when someone is slightly resisting putting their hands behind their back; Total Appendage Restraint Procedure (TARP), etc. Mr. Buryk added that the dashboard has a glossary of definitions that can be found at the top of each page.

Mr. Buryk reviewed the series of landing pages on the dashboard and how to use them.

- Overview of Police Use of Force Incidents
- Citizen Complaints, Allegations, and Findings
- Trends
- Officer and Citizen Demographics
- Use of Force by Norfolk ZIP Code
- Arrest Demographics
- Citizen Fatalities
- Glossary

Chief Boone commented that based on data, they recognize there are some practices and procedures that appear to adversely impact certain communities. Variables such as calls for service and poverty in certain communities are also a consideration and impact officer encounters in certain neighborhoods. The department is now partnering with the Center for Policing Equity (CPE) to consider some of this data. In addition, they are partnering with community leaders to explain some of the data and to work on how the police department, the CPE, and the community can work together to minimize the department's contact with these communities.

Chief Boone introduced Dr. Kenter from CPE. Dr. Kenter stated the CPE produces analyses identifying the causes of racial disparities in law enforcement and it advocates for large-scale and meaningful change. Using evidence-based approaches to social justice, the CPE uses data to create levers for social, cultural, and policy change.

<u>Approach</u>

- Lead with data to properly diagnose
- Amplify the voice and needs of the most vulnerable to validate and lend credibility
- Leverage data-driven solutions to properly address and treat the problem
- Use behavioral science to drive research questions and recommendations

COMPSTAT for Justice (C4J)

The program is funded through a partnership between the TED Foundation and the Audacious Project. The core database collects data on police use of force, pedestrian stops, and vehicle stops.

Approach for C4J

- Some racial disparities in law enforcement out comes are because of officer behaviors (what they choose to do, or must do)
- Behavioral science is based on the idea that actions are guided by many factors; but situations (i.e., context/circumstances) can heavily predict behaviors
- Thus, it is more effective to address racial disparities by identifying and eliminating the situations that fuel them
- Bad actors are a real problem and should be removed. However, eliminating situations that allow them to behave inappropriately in the first place is the primary goal.

Mr. Kenter stated they will work with the Norfolk Police Department and their on-site team to assess public and mental health needs, and police department and community needs. Over a three-to-five-year period, they will produce a plan to implement the recommendations that are co-produced.

Councilman Riddick stated we are at a very fragile time when it comes to police departments, and this is countrywide. He added that Norfolk's history might be the worst in the region. One problem that occurs is when officers trained to respond to mental health issues are not the first officers on scene and this is when deaths occur.

He added that he appreciates these new efforts and encourages continuing with appropriate training.

Councilman Smigiel noted that one or two of the dashboard graphics should have a notation that we are showing six months of 2021.

Councilwoman McClellan asked, what is the status for the citizen review panel?

Dr. Filer stated the dashboard was the first step and now we begin working with CPE on all the other pieces that Council requested.

CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause 3** subsection A of Section 2.2-3711 of the Virginia Freedom of Information Act:

(3) Discussion of the disposition of publicly held real property in the Church Street and the Downtown Areas of the City where discussion in an open meeting would adversely affect the negotiating strategy of the public body.

Yes: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel, Thomas and Alexander.

No: None.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

CITY COUNCIL MEETING

TUESDAY, JULY 13, 2021 - 6:00 P.M.

MOMENT OF SILENCE

Followed by the Pledge the Allegiance.

ROLL CALL

Attendee Name	Title	Status
Courtney R. Doyle	Councilmember - Ward 2	Present
Mamie B. Johnson	Councilmember - Ward 3	Present
Andria P. McClellan	Councilmember - Superward 6	Present
Paul R. Riddick	Councilmember - Ward 4	Present
Danica J. Royster	Councilmember - Superward 7	Present
Thomas R. Smigiel Jr.	Councilmember - Ward 5	Present
Martin A. Thomas Jr.	Vice Mayor	Present
Kenneth Cooper Alexander	Mayor	Present

APPROVAL OF MINUTES

Approve the minutes of the June 8 and June 22, 2021, previous City Council meetings.

CLOSED SESSION RESOLUTION

A Resolution certifying a closed meeting of the council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act.

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

PUBLIC HEARINGS

PH-1 Public Hearing scheduled this day, pursuant to State Law to hear comments approving a Lease Agreement with Bo's Tailor Shop, Inc. for the Lease of City owned property located at 130 Bank Street.

An Ordinance Approving a Lease Agreement with Bo's Tailor Shop, Inc. for the Lease of City Owned Property Located at 130 Bank Street. - (Ordinance No. 48422)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

PH-2 Public Hearing scheduled this day pursuant to State Law on the application of NORTHAMPTON COMMERCIAL LLC, for an amendment to the Future Land Use Map within the General Plan, plaNorfolk2030 from Office to Multifamily and to rezone from O (Office) to MF-AC (Multi Family – Apartment Community) and for a Conditional Use Permit to allow more than 24 dwelling units on property located at 5900 Northampton Blvd.

Rob Beamon, 222 Central Park Avenue, #2000, Virginia Beach; Paul D. Fraim, 150 Boush Street, Unit 601, Jeremy Yee, 4525 Main Street, Suite 1000, Virginia Beach; and Dan Heatwolle, 1825 Templeton Lane, Virginia Beach were present to answer questions in favor of this matter.

An Ordinance to Amend the City's General Plan, PlaNorfolk2030, so as to Change the City's Future Land Use Designation for Property Located at 5900 Northampton Boulevard from Office to Multifamily. - (Ordinance No. 48423)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

PH-2A An Ordinance to Rezone Property Located at 5900 Northampton Boulevard from O (Office) to MF-AC (Multi-Family - Apartment Complex) District. - (Ordinance No. 48424)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

PH-2B An Ordinance Granting A Conditional Use Permit to Authorize Multi-Family Dwelling Units on Property Located at 5900 Northampton Boulevard. - (Ordinance No. 48425)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED. IF DISCUSSION IS DESIRED ON ANY ITEM, IT WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant Operating After Midnight with Live Entertainment Named "Levels" on Property Located at 255 Granby Street. - (Ordinance No. 48426)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr.,

Alexander

C-2 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Pawnshop Named "XYZ Pawn, LLC" on Property Located at 4534 East Princess Anne Road. - (Ordinance No. 48427)

Joshua Murphy, 4554 E. Princess Anne Road, applicant, was present to answer questions in favor of this matter.

ACTION: Adopted [7 to 1]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Alexander

NAYS: Martin A. Thomas Jr.

C-3 An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant Operating After Midnight with Live Entertainment Named "Little Bit Nola" on Property Located at 319 West 21st Street. - (Ordinance No. 48428)

Bradley Brown, 1229 Graydon Avenue #2, was present to answer questions in favor of this matter.

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr.,

Alexander

C-4 An Ordinance Granting the Jerry J. Collier Revocable Trust Permission to Encroach into the Right-of-Way at 209 W. Freemason Street, for the Purpose of Outdoor Dining and Approving the Terms and Conditions of the Encroachment Agreement. - (Ordinance No. 48429)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr., Thomas Jr.,

Alexander

C-5 Abstract of Votes cast in the 2021 June Democratic Primary Election held on June 8, 2021.

ACTION: Received and Filed [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

REGULAR AGENDA

R-1 An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Nightclub Named "Origami Asian Bistro" on Property Located at 5957 East Virginia Beach Boulevard, Suite 18. - (Ordinance No. 48430)

Don Scott, 355 Crawford Street, Suite 704, Portsmouth, attorney for the applicant, spoke in favor of this matter.

Phillip Hawkin, Jr., 3597 Mississippi Avenue, spoke in opposition to this matter.

ACTION: Adopted [5 to 3]

AYES: Johnson, McClellan, Riddick, Royster, Alexander

NAYS: Courtney R. Doyle, Thomas R. Smigiel Jr., Martin A. Thomas

Jr.

R-2 An Ordinance to Grant a Certificate of Appropriateness Authorizing a Change in Roofing Material from Slate to Composite Shingle on a Single-Family Home Located at 811 Graydon Avenue in the HC-G2 (Ghent Historic and Cultural Conservation) District. - (Ordinance No. 48431)

Susan McBride, Principal Planner for the Architectural Review Board, presented a summary of the application and the proceedings on behalf of the Architectural Review Board.

Chris Gunnufsen, 811 Graydon Avenue, spoke in favor of this matter.

F. Sullivan Callahan, 327 Duke Street, attorney for the applicant, spoke in favor of this matter.

ACTION: Adopted [7 to 1]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Alexander

NAYS: Martin A. Thomas Jr.

R-3 An Ordinance Granting East Bay Landing, LLC a License to Encroach into the Unimproved Portion of the Right-of-Way of Shore Drive, Adjacent to 8180 Shore Drive, for the Purpose of Constructing and Maintaining a Parking Lot, Concrete Improvements and a Private Sewer Line; and Approving the Terms and Conditions of the License Agreement. - (Ordinance No. 48432)

Jeffrey Wells, 208 E. Plume Street, Architect, was present in favor of this matter but did not wish to speak.

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

R-4 An Ordinance Amending the FY2022 Annual Appropriations Ordinance No. 48,379) SO AS TO Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the sum of \$200,000.00 from the Virginia Department of Emergency Management FY2020 Homeland Security Grant for the Urban Area Security Initiative Program. - (Ordinance No. 48433)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

R-5 An Ordinance Amending the FY2021 Annual Appropriations Ordinance (No 47,999) SO AS TO Accept, Appropriate and Authorize the Expenditure of Grant Funds up to the sum of \$12,000.00 from the Norfolk Community Trust for the Norfolk Community Services Board's Food Pantry Program. - (Ordinance No. 48434)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

R-6 An Ordinance Electing Membership in the Virginia Retirement System - (Ordinance No. 48435)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

R-7 An Ordinance to Repeal Section 2.1-19 and to Amend and Reordain Sections 37-2, 37-21, 37-26.1, 37-41, 37-45, 37-46, 37-61 and 37-96 Concerning the Norfolk Employment Retirement System - (Ordinance No. 48436)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

R-8 An Ordinance to Amend the Norfolk City Council Rules of Procedure. - (Ordinance No. 48437)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

R-9 An Ordinance Approving a Bus Stop Service Agreement Between the City of Norfolk and Greyhound Lines, Inc. Permitting Greyhound Lines, Inc. to use a Bus Stop Area on Property Owned by the City of Norfolk and Located at 280 Park Avenue in the City of Norfolk, Virginia, and Authorizing the City Manager to Execute the Bus Stop Service Agreement on Behalf of the City of Norfolk. - (Ordinance No. 48438)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

R-10 A Resolution Appointing Oliver Love, Jr. to the Southeastern Public Service Authority for a Certain Term. - (Resolution No. 1833)

ACTION: Adopted [Unanimous]

AYES: Doyle, Johnson, McClellan, Riddick, Royster, Smigiel Jr.,

Thomas Jr., Alexander

NEW BUSINESS

- Mr. David Brenner, 2204 Halprin Court, Norfolk, expressed concerns about gun violence involving the city's youth, whether they be victims or perpetrators, because all will lose, as do their families and friends. All are affected. He thanked the Mayor and Council for all they do, and asked the city look at creating a program with our police and partner with Norfolk Public Schools to teach our youth about law enforcement.
- Mr. Willie Coley, 7005 University Drive, Norfolk, asked for street repairs by his home.
 He stated that he contacted Mr. John Snowden in Public Works two years ago and still
 nothing has been done. He stated that a portion of his driveway has been affected
 because the city has not repaired the asphalt. He also added that there are major
 drainage problems on this street.

- Mr. Steve Padgett, 521 Boissevain Avenue, Norfolk, expressed concern about the recent shootings in the city and stated that this is a public health crisis countrywide. He cited racial homicide statistics. He stated due to poverty, many youths have limited opportunities to become productive citizens and end up joining gangs where a lot of the violence stems from. He added that providing reparations would help to solve these issues.
- Mr. Bilal Muhammad, 9634 First Bay Street, Apartment M, Norfolk, expressed concern about crime and violence occurring in our communities nationwide. He has been doing community work for 50 years and is currently the Chairman of the "Stop The Violence" team for 15 years. He thanked the Council, city staff, the Norfolk Police Department, and the community for joining in the effort to stop violence in our communities. He asked for additional funding for recreation and libraries. In addition, he suggested establishing partnerships with local non-profit organizations, civic leagues, Norfolk Public Schools, and the military.
- Mr. Cameron Betrand, 2607 West Avenue, Newport News, expressed concern about gun violence. He stated he is the CEO of Violence Intervention and Prevention, and a founder of Buy Back the Block, and Beyond the Bullet. He stated that he is a gun violence survivor and has many physical challenges from his injuries. He stated there are few resources for gun violence survivors to assist with their physical and mental health needs. He stated we need to establish more programs to help gun violence survivors. He stated we also need more programs for our youth and to educate them about the effects of violence on their communities.
- Mr. Bernard "Pee Wee" Thompson, 214 Hough Avenue, Norfolk, expressed concerns about gun violence. He stated more funding is needed for education and our recreation centers.
- Mr. Phillip Hawkins, Jr., 3597 Mississippi Avenue, Norfolk, expressed concern about gun violence. He thanked City Council and the Norfolk Police Department for their efforts to stop the violence in our communities. He echoed the concerns of previous speakers and their requests for additional funding for our recreation facilities and libraries, and funding for programs and partnerships to continue to fight gun violence.
- Ms. Ameena Ali, 725 West 26th Street, Norfolk, expressed concern about violence in Norfolk. She asked if the city has the authority to implement emergency curfews to help offset the violence in our city. She stressed the need to implement measures to address the violence as soon as possible. She asked if emergency funding is available for our civic organizations so they can assist with jobs and programming. She added that we need more recreational activities for our youth. She also suggested having an emergency meeting with the Council and youth to address their concerns.

• Mr. Jason Inge, P.O. Box 14525, Norfolk, commented on the recent deaths Tiana Colbert and Christopher Edmonds due to gun violence. He stated that more needs to be done to address gun violence in our communities. He added we must work in collaboration with law enforcement, non-profit organizations, and groups like Stop the Violence. He asked Council to adopt a resolution declaring gun violence a public health crisis in the City of Norfolk. In addition, he asked Council to reallocate funding for programs to address this crisis.

ADJOURNMENT